UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,888	09/09/2003	Alan Earl Swahn		2635

7590 03/04/2009

ALAN EARL SWAHN
95 KARA DRIVE
NORTH ANDOVER, MA 01845

EXAMINER	
WHIPPLE, BRIAN P	

ART UNIT	PAPER NUMBER
2452	

MAIL DATE	DELIVERY MODE
03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,888	SWAHN, ALAN EARL	
	Examiner	Art Unit	
	BRIAN P. WHIPPLE	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6-10,16,17,19,21-31 and 33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,6-10,16,17,19,21-31 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-2, 6-10, 16-17, 19, and 21-31, and 33 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2, 6-10, 16-17, 19, and 21-31, and 33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. As to claim 17, the phrase "the queue of hyperlinks" lacks antecedent basis as "a queue of hyperlinks" does not appear previously in the claim or parent claim 9.

Claim Rejections – Applicant's Admitted Prior Art

6. The following is a quotation of the appropriate paragraphs of MPEP 2129 that form the basis for the rejections under this section made in this Office action:

> A statement by an applicant >in the specification or made< during prosecution identifying the work of another as "prior art" is an admission **>which can be relied upon for both anticipation and obviousness determinations, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102.

7. Claims 9 and 16 are rejected under MPEP 2129 as being anticipated by Applicant's admitted prior art (AAPA).

8. As to claim 9, AAPA discloses a method of displaying webpages in a web browser operating on a user's computer (Pg. 3, ln. 23 – Pg. 4, ln. 12), including:

displaying a plurality of fully functional webpages in a single web browser at the same time such that all of said plurality of fully functional webpages are simultaneously visible to the user (Pg. 3, ln. 23 – Pg. 4, ln. 12).

Applicant makes multiple statements that call into question the novelty of the claimed invention in the aforementioned section of the specification. For example, "It is possible to subjugate multiple websites and their respective webpages within a website's webpage(s)." Applicant then further states, "Even though a website may subjugate another related website's webpages through mechanisms such as Frames discussed in the foregoing,

web browsers do not generally [emphasis added] display and operate on multiple independent websites at one time." The use of the word "generally" implies that there are some instances in which web browsers do "display and operate on multiple independent websites at one time."

Furthermore, Applicant merely claims that multiple webpages may be displayed and operated on simultaneously by a "single web browser." A single web browser (such as Internet Explorer®, Firefox®, etc.) is a different concept than a single instance of a web browser (such as one instance of Firefox® running a user's computer). In other words, the claim would be anticipated by a user running two instances of a single web browser in two separate visible windows on his or her computer, each displaying, and allowing operation of, a fully functional webpage (i.e., when a user shrinks the size of an instance of a browser in order to be able to view a second instance of a browser on the user's screen at once).

9. As to claim 16, AAPA discloses changing the number of webpages that are simultaneously displayed according to an input from the user (AAPA: the scenarios, discussed above in reference to claim 9, of re-sizing multiple windows to display on a single user's screen inherently include the capability of the user to open or close additional instances of the web browser as desired).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (Tso), U.S. Publication No. 2001/0054089 A1, in view of Bates et al. (Bates), U.S. Patent No. 6,947,924 B2.

12. As to claim 1, Tso discloses a method for retrieving and viewing webpages in a web browser operating on a user's computer ([0019], ln. 4-6; [0020] – [0021]), comprising the sequential steps of:

submitting, from said web browser, a search request to a search engine located on the Internet ([0022] – [0023]);

receiving a rank-ordered hyperlink list from said search engine to form a queue of hyperlinks ([0004]; [0035], ln. 8-11);

automatically loading a plurality of webpages referred to by said queue of hyperlinks to form a rank-ordered queue of webpages stored on the user's computer ([0004]; [0044]); and

viewing said webpages in the web browser ([0004]; [0019] – [0021]).

Tso discloses a search engine in that the database is enabled to allow "a user to select search criteria and execute searches of a database that resides on a remote computer" ([0022], ln. 8-10) and "searching for information and sending it back to the client, such as when a database on the Web is queried" ([0023], ln. 5-7).

Therefore, Tso may be interpreted as allowing the user to search the database for the desired guided tour and thus the guided tour database would be a search engine.

Additionally, an obvious use of Tso would be a user searching a search engine to find the guided tour. For example, a user searching for information on a boat could find a search result for a guided tour created by a boat company. Such a scenario would result in a user searching a search engine to receive a rank-ordered hyperlink list (the guided tour of Tso) as claimed above.

None of this is explicitly disclosed by Tso and therefore cannot be relied upon alone for rejection of the claim.

However, Bates discloses submitting, from a web browser, a search request to a search engine located on the Internet (Abstract; Fig. 1; Col. 1, ln. 50-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso in the aforementioned manner as taught by Bates in order to search for and find desired information (for example, the guided tour of Tso).

In summary, the combination of Tso and Bates would result in the guided tour of Tso (which at least discloses the claimed limitations minus the search engine) with the search engine of Bates (which, while already disclosed by Tso, also discloses a rank-ordered hyperlink list). Therefore, the combination would result in a user searching the Internet, receiving a rank-ordered link, and then being able to view any guided tour (also a rank-ordered link) found in the search results. The guided tour then automatically loads the sequential webpages into the web browser of the client.

13. As to claim 30, the claim is rejected for reasons similar to claim 1 above. Additionally, Bates discloses multiple search engines (Col. 3, ln. 4-6).

14. Claims 2, 6-7, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso and Bates as applied to claim 1 above, and further in view of Berstis, U.S. Patent No. 6,182,122 B1.

15. As to claim 2, Tso and Bates disclose the invention substantially as in parent claim 1, but are silent on where said loading is accomplished by preloading a selectable number of webpages pointed to by a selectable number of hyperlinks in the queue of hyperlinks.

However, Berstis discloses loading is accomplished by preloading a selectable number of webpages pointed to by a selectable number of hyperlinks in a queue of hyperlinks (Col. 7, ln. 8-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso and Bates in the aforementioned manner as taught by Berstis in order "to minimize transfer time both from the source and to individual users, and to require minimal resources at the server" (Berstis: Col. 2, ln. 52-54).

16. As to claim 6, Tso and Bates disclose the invention substantially as in parent claim 1, but are silent on said loading is accomplished by concurrently preloading a predetermined number webpages pointed to by hyperlinks in a queue of hyperlinks.

However, Berstis discloses loading is further accomplished by concurrently preloading a predetermined number of webpages pointed to by hyperlinks in a queue of hyperlinks (Col. 10, ln. 18-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso and Bates in the aforementioned manner as taught

by Berstis in order "to minimize transfer time both from the source and to individual users, and to require minimal resources at the server" (Berstis: Col. 2, ln. 52-54).

17. As to claim 7, Tso and Bates disclose the invention substantially as in parent claim 1, but are silent on said loading is accomplished by determining the available network download bandwidth and preloading a number of webpages based on such available network download bandwidth.

However, Berstis discloses loading is accomplished by determining the available network download bandwidth and preloading a number of webpages based on such available network download bandwidth (Col. 10, ln. 18-47; Col. 11, ln. 16-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso and Bates in the aforementioned manner as taught by Berstis in order "to minimize transfer time both from the source and to individual users, and to require minimal resources at the server" (Berstis: Col. 2, ln. 52-54).

18. As to claim 21, Tso and Bates disclose the invention substantially as in parent claim 1, but are silent on selectively saving the queue of hyperlinks or a portion thereof as a group bookmark hyperlink list that may be loaded in a web browser at a later time.

However, Berstis discloses selectively saving a queue of hyperlinks or a portion thereof as a group bookmark hyperlink list that may be loaded in a web browser at a later time (Col. 7, ln. 8-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso and Bates in the aforementioned manner as taught by Berstis in order to bookmark frequently visited webpages, thus increasing ease of use by eliminating the need to remember and enter a web address repeatedly.

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tso and Bates as applied to claim 1 above, in view of Berstis, and further in view of Martin et al. (Martin), U.S. Patent No. 5,867,706.

20. As to claim 8, Tso and Bates disclose the invention substantially as in parent claim 1, but are silent on said loading is accomplished by determining that the computer isn't saturated and preloading a predetermined number of webpages based on such non-saturation state.

However, Berstis discloses loading is accomplished by determining that the computer isn't saturated and preloading a predetermined number of webpages based on such non-saturation state (Col. 10, ln. 18-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso and Bates in the aforementioned manner as taught by Berstis in order "to minimize transfer time both from the source and to individual users, and to require minimal resources at the server" (Berstis: Col. 2, ln. 52-54).

Tso, Bates, and Berstis are silent on determining if the computer processor(s) specifically are saturated.

However, Martin discloses determining if the computer processor(s) specifically are saturated (Col. 8, ln. 41-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tso, Bates, and Berstis by determining if computer processors are saturated as taught by Martin in order to avoid unacceptable response times (Martin: Col. 8, ln. 41-53).

21. Claims 10, 17, 19, 23, 25-27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Tso, Bates, and Berstis.

22. As to claim 10, the claim is rejected for reasons similar to claims 1-2 above.

23. As to claim 19, AAPA, Tso, Bates, and Berstis disclose the invention substantially as in parent claim 10, including selectively deleting webpages displayed (AAPA: the scenarios, discussed above in reference to claim 9, of re-sizing multiple windows to display on a single user's screen inherently include the capability of the user to close a window, i.e., click the X button on one instance of a web browser).

24. As to claims 17, 25, and 33, the claims are rejected for reasons similar to claim 21 above.

25. As to claim 23, the claim is rejected for reasons similar to claim 2 above.

26. As to claim 26, the claim is rejected for reasons similar to claim 6 above.

27. As to claim 27, the claim is rejected for reasons similar to claim 7 above.

28. Claims 22, 24, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Tso, and Bates.

29. As to claim 22, the claim is rejected for reasons similar to claims 1 and 9 above.

30. As to claim 24, the claim is rejected for reasons similar to claim 16 above.

31. As to claim 29, the claim is rejected for reasons similar to 19 above.

32. As to claim 31, the claim is rejected for reasons similar to claim 9 above.

33. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, Tso, Bates, Berstis, and Martin.

34. As to claim 28, the claim is rejected for reasons similar to claim 8 above.

Conclusion

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
/B. P. W./
Examiner, Art Unit 2452
3/1/09

/Kenny S Lin/
Primary Examiner, Art Unit 2452